

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FREDERICT J. SANDERS,

Plaintiff,

v.

Case No. 21-cv-0981-bhl

JUSTIN SILKEY, et al.,

Defendants.

ORDER

Plaintiff Frederict J. Sanders is a prisoner confined at the Milwaukee County House of Corrections who is representing himself in this 42 U.S.C. §1983 case. Dkt. No. 1. On September 9, 2021, Sanders filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 3. Under 28 U.S.C. §1915(a)(2), a prisoner seeking to proceed with a civil action without prepaying the filing fee must submit a six-month certified copy of his institution trust account statement. Sanders' motion did not comply with this requirement. Accordingly, four days after he filed his motion, on September 13, 2021, the clerk's office mailed him a letter informing him that he had to return, within 30 days, a complete six-month certified trust account statement, encompassing "the period of February 2021 through the present." Dkt. No. 7. In follow-up to the clerk's letter, on September 16, 2021, the Court entered an order similarly instructing Sanders to submit a complete six-month certified trust account statement on or before October 13, 2021. Dkt. No. 8. The Court warned Sanders that failure to submit a complete six-month certified trust account statement would likely result in dismissal of the case. *Id.*; *see also* Dkt. No. 2.

More than a month has passed since the Court's September 16, 2021 Order and Sanders has not responded. Because the deadline for Sanders to file a complete six-month certified trust

account statement has passed, and Sanders has neither provided the Court with a copy of the document nor informed the Court of any challenges preventing him from doing so, the Court will deny his motion for leave to proceed without prepayment of the filing fee and will dismiss this case without prejudice based on his failure to pay the filing fee.

IT IS THEREFORE ORDERED that the plaintiff's motion for leave to proceed without prepayment of the filing fee (Dkt. No. 3) is **DENIED** and this case is **DISMISSED without prejudice** based on the plaintiff's failure to pay the filing fee.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), the plaintiff must pay the \$350 statutory filing fee. Accordingly, the agency having custody of the plaintiff shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If the plaintiff is transferred to another institution, the transferring institution shall forward a copy of this Order along with the plaintiff's remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where the plaintiff is confined and to Inmate Accounts, Milwaukee County House of Corrections, 8885 S. 68th Street, Franklin, WI 53132.

Dated at Milwaukee, Wisconsin on October 25, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG
United States District Judge